

13.8 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
vs.

ROMAN ARAGON, *et al.*,

Defendants.

13.8 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
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RIO CHAMA STREAM SYSTEM
Section 7

STATEMENT OF WATER RIGHTS CLAIM

COMES NOW, James Heath, a resident of Santa Fe, New Mexico and hereby submits his statement of water rights claim to all water rights appurtenant to 13.8 acres of land irrigated from the Chamita, a tributary of the Chama River, near Chama, New Mexico, which is described in more detail below. As support for his water rights claim, James Heath respectfully states as follows:

1. On May 30, 2003, James Heath, as grantee, obtained fee simple title to that certain real property more particularly described in Exhibit A attached hereto, the same being a deed recorded on May 30, 2003, Book A1, Page 161, as Document No. 233446, land records of county of Rio Arriba, New Mexico (hereafter "Dos Rios Ranch"). Water rights appurtenant to Dos Rios Ranch are not the subject of this claim of water rights by Jim Heath.

2. At the time James Heath acquired title to Dos Rios Ranch, he simultaneously acquired all right, title and interest in and to water rights appurtenant to land immediately adjacent to Dos Rios Ranch. It is water rights appurtenant to this land adjacent to Dos Rios Ranch which are the subject of this claim for water rights ("Heath Water Rights"). The land to which the Heath Water Rights water rights are appurtenant is more particularly described in that certain plat of survey attached hereto as Exhibit B and is identified by that portion of Exhibit B which is cross hatched ("Water Right Land").

3. A Change of Ownership of Water Right has been filed with the OSE from the prior owner of the land to which the Heath Water Rights are appurtenant, and is attached hereto as Exhibit C.

4. James Heath contacted the OSE staff and advised it of the Heath Water Rights. Staff for OSE has advised James Heath to file this Statement of Water Right Claim.

5. As Claimant of the Heath Water Rights, James Heath also met with Special Assistant Attorney General Newville to discuss James Heath's claim to water rights appurtenant to the Water Right Land shown as the cross hatched area on Exhibit B.

6. Special Assistant Attorney General Newville requested that James Heath prepare this Statement of Water Rights Claim for filing in the pending adjudication to provide

clarification to the Court that this is not a new claim for water rights but is the continuation of an existing claim made by James Heath heretofore.

WHEREFORE, James Heath respectfully asks the Court to accept this Statement of Water Rights Claim in the pending adjudication.

Respectfully submitted,

JAMES HEATH

(insert address) 438 SAN PASQUAL, SANTA FE, NM 87505

(insert phone numbers) (505) 984-2722 / cell (505) 603-1456

(insert email address) j.heath@earthlink.net

CERTIFICATE OF SERVICE

I hereby declare that on October 9, 2007, I filed the foregoing Statement of Water Rights Claim in the IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO and served a true and correct copy of this Statement of Water Rights Claim via electronic mail and first class mail as follows:

ATTORNEY FOR PLAINTIFF STATE OF NEW MEXICO

Edward G. Newville

P.O. Box 977

Placitas, NM 87043

JAMES HEATH